

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 138 of 1999

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO

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GUNVANTLAL VASANTLAL JAYSWAL

Versus

STATE OF GUJARAT

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Appearance:

MS SUBHADRA G PATEL for Petitioner

MS HANSABEN PUNANI AGP for Respondent No. 1, 2, 3

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CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 04/08/1999

ORAL JUDGEMENT

Heard the learned advocates for the respective parties.

2. The petitioner challenges the order of preventive detention dated 21st December, 1998 made by the District

Magistrate, Vadodara under the powers conferred upon him under Sub-section 2 of Section 3 of the Gujarat Prevention of Anti-Social Activities Act, 1985 [hereinafter referred to as, 'the Act'].

3. The petitioner is alleged to be a 'bootlegger' within the meaning of Section 2 (b) of the Act and his activities are found to be prejudicial to the maintenance of 'public order'. As many as 11 cases punishable under the Bombay Prohibition Act are registered against the petitioner, of which 10 are pending trial before the concerned Court. In each of the said cases, substantial quantity of country liquor was found from the possession of the petitioner. Besides, four individuals have given statements in respect of petitioner's nefarious activities and its adverse effect on 'public order'.

4. It is contended that quite a few documents furnished to the petitioner alongwith the grounds of detention are not legible and thereby the petitioner has been deprived of his right to make an effective representation against the order of detention. It is contended that the documents at pages 27, 29, 71, 171 and 187 are illegible. Learned AGP Mrs. Punani has examined the records furnished to the petitioner alongwith the grounds of detention. She concedes that the aforesaid documents are not legible. It must, therefore, be held that the petitioner's constitutional right to make an effective representation has been infringed. The continued detention of the petitioner is, therefore, unwarranted.

5. The petition is, therefore, allowed. The order dated 21st December, 1998; Annexure-A to the petition is quashed and set-aside. Rule is made absolute. The petitioner, unless he is required to be detained in some other case, be released forthwith.

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Prakash\*